

**CAPITOLA CITY COUNCIL  
DRAFT SPECIAL MEETING MINUTES  
WEDNESDAY, DECEMBER 1, 2021 - 6 PM**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Member Jacques Bertrand: Remote, Council Member Kristen Petersen: Remote, Vice Mayor Sam Storey: Remote, Mayor Yvette Brooks: Remote, Council Member Margaux Keiser: Remote.

**2. ADDITIONAL MATERIALS**

A. Item 5.A – 4 public comment emails

**3. ADDITIONS AND DELETIONS TO THE AGENDA – NONE**

**4. STAFF / CITY COUNCIL COMMENTS**

Council Member Bertrand shared a story about a coworker visiting Capitola.

City Manager Goldstein apologized about the technical issues experienced at the previous City Council meeting and announced that the meeting is live-streaming on YouTube.

**5. GENERAL GOVERNMENT / PUBLIC HEARINGS**

A. Outdoor Dining Ordinance

RECOMMENDED ACTION:

1. Consider Planning Commission recommendations regarding the draft outdoor dining ordinance and either:
  - a. Provide direction on the draft ordinance and consider a schedule for a first reading and adoption, or
  - b. Introduce by title only, waiving further reading of the text, an ordinance of the City Council of the City of Capitola repealing and replacing Municipal Code Sections 17.96.170 and amending Municipal Code Section 17.120.030, related to outdoor dining in the public right of way; or
2. Consider options to extend, terminate, or modify the temporary outdoor dining program, currently scheduled to end on January 3, 2022.

Council Member Keiser recused herself due to financial conflict. Community Development Director Herlihy presented a staff report.

Director Herlihy explained the lottery system in response to a question from Council Member Petersen. Council Member Petersen asked how long the prototype design process is expected to take and Director Herlihy predicted about a month after the design process begins.

Vice-Mayor Storey asked about the prototypes in relation to angled parking and bicycles. Director Herlihy explained that the proposed in-lieu program would alleviate the bike-parking issue. She confirmed that restaurants currently participating in the temporary outdoor dining program needed proof of insurance.

Police Chief Dally briefly outlined some City parking permit programs in response to Vice-Mayor Storey's questions.

City Manager Goldstein highlighted that once adopted, changing this ordinance would be an

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extensive process as this would require approval from the coastal commission. He said that the administrative policy related to outdoor dining program could be changed at any time by discretion of the Council.

Council Member Bertrand confirmed that the prototype designs will be standardized but with customizable options so that variety in the Village is still possible.

Mayor Brooks checked that when surveyed on their desire to participate in an outdoor dining program, the restaurant owners were aware they'd need to pay for the spaces. She also asked about potential changes in restaurant ownership; Director Herlihy said this would be addressed in the administrative policy.

Council Member Bertrand emphasized that safety should be considered in parklet designs.

In public comment, Randy Zoucha spoke against the outdoor dining ordinance. Linda Smith spoke in favor of the ordinance.

<b>MOTION:</b>	<b>PASS FIRST READING OF ORDINANCE INCLUDED IN THE PACKET AS “VERSION 2”: AN ORDINANCE REPEALING AND REPLACING CAPITOLA MUNICIPAL CODE SECTIONS 17.96.170 AND AMENDING MUNICIPAL CODE SECTION 17.120.030, RELATED TO OUTDOOR DINING IN THE PUBLIC RIGHT OF WAY</b>
<b>RESULT:</b>	<b>AMENDED AS BELOW</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Jacques Bertrand

Vice Mayor Storey suggested an amendment to the motion:

<b>MOTION:</b>	<b>PASS FIRST READING OF ORDINANCE INCLUDED IN THE PACKET AS “VERSION 2”: AN ORDINANCE REPEALING AND REPLACING CAPITOLA MUNICIPAL CODE SECTIONS 17.96.170 AND AMENDING MUNICIPAL CODE SECTION 17.120.030, RELATED TO OUTDOOR DINING IN THE PUBLIC RIGHT OF WAY</b>
<b>AMENDMENT:</b>	<b>INCLUDE CAPITOLA AVENUE AS A LOCATION THAT ALLOWS SIDEWALK DINING [STOREY]</b>
<b>RESULT:</b>	<b>PASSED [4 TO 0]</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Jacques Bertrand, Kristen Petersen, Sam Storey, Yvette Brooks
<b>RECUSED:</b>	Margaux Keiser

Council discussed the current COVID-19 temporary outdoor dining permits, which expire on January 3, 2022.

In public comment, Linda Smith recommended extending the temporary program past Memorial Day. Eric Fawcett emailed against extending the temporary program.

Council Member Petersen confirmed that applicants who successfully receive parklet spots through the lottery (under the permanent outdoor dining program) begin paying rent to the City immediately, not upon completion of their parklet construction.

<b>MOTION:</b>	<b>CONTINUE THE ALLOWANCE OF COVID-19 TEMPORARY OUTDOOR</b>
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	<b>DINING PERMITS THROUGH MAY 31, 2022</b>
<b>RESULT:</b>	<b>APPROVED [4 TO 0]</b>
<b>MOVER:</b>	Sam Storey
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Jacques Bertrand, Kristen Petersen, Sam Storey, Yvette Brooks
<b>RECUSED:</b>	Margaux Keiser

B. Mandatory Organics Waste Disposal Reduction Ordinance

RECOMMENDED ACTION: Introduce for first reading, by title only, waiving further reading of the text, an ordinance repealing Capitola Municipal Code Chapter 8.04: Garbage and enacting Chapter 8.04: Solid Waste and Edible Food Recovery.

Assistant to the City Manager Laurent presented a staff report.

Council Member Bertrand asked if waste processing will be different; Assistant Laurent responded that Monterey Regional will handle any changes and continue to process the City's waste. Assistant Laurent clarified that ordinance language maintains that burying garbage is not allowed.

There was no public comment.

<b>RESULT:</b>	<b>PASS THE FIRST READING OF AN ORDINANCE REPEALING MUNICIPAL CODE SECTION 8.04: GARBAGE AND ENACTING CHAPTER 8.04: SOLID WASTE AND EDIBLE FOOD RECOVERY [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Sam Storey
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

C. New State of California Housing Legislation and Community Development Department Housing Workplan

RECOMMENDED ACTION: Accept staff presentation on recent housing legislation and the Community Development Department's workplan.

Community Development Director Herlihy presented a staff report.

In response to a question from Council Member Bertrand, Director Herlihy explained that an updated housing element must be submitted by 2023.

There was no public comment.

Council Member Petersen emphasized the significance of this new State legislation and Council Member Bertrand confirmed that protections exist against down-zoning.

<b>RESULT:</b>	<b>RECEIVE REPORT</b>
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6. **ADJOURNMENT**

The meeting was closed at 8PM to the next regular City Council meeting on December 9, 2021.

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Yvette Brooks, Mayor

ATTEST:

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Chloé Woodmansee, City Clerk